

United States District Court

FEB 21 2006

for the

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Robert Allen Hutton Case Number: 2:03CR02053-001
Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge
Date of Original Sentence: 09/05/2003 Type of Supervision: Supervised Release
Original Offense: Possession with Intent to Distribute Date Supervision Commenced: 06/23/2005
Heroin, 21 U.S.C. § 841(a)(1)
Original Sentence: Prison - 30 Months; TSR - 60 Date Supervision Expires: 06/22/2010
Months

PETITIONING THE COURT

To modify the conditions of supervision as follows:

You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

CAUSE

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9th Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug tests per month.

Robert Hutton was asked whether he would waive his right to a hearing and agree to the modifications as previously described. As indicated by the enclosed Waiver of Hearing to Modify Conditions of Supervised Release form, Mr. Hutton has agreed to the proposed modifications.

Prob 12B

Re: Hutton, Robert Allen

January 26, 2006

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It is respectfully recommended that the attached Waiver of Hearing to Modify Conditions of Supervised Release be adapted.

Respectfully submitted,

by Tommy Rosser

Tommy Rosser

U.S. Probation Officer

Date: January 26, 2006

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

David Shea

Signature of Judicial Officer

2/21/06

Date